

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Court
Southern District of Texas
FILER

APR 11 2018

David J. Bradley, Clerk of Court

United States of America

v.

John Doe

AKA

"Beto Mendoza"

Case No.

V-18-MJ-42-1

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 11, 2018 in the county of Victoria in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 USC 1542

42 USC 408(A)(7)(B)

Offense Description

False Statements in Application and Use of a Passport

Misuse of a Social Security Number

This criminal complaint is based on these facts:

Please see attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Jason Plemons, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: April 11, 2018City and state: Corpus Christi, Texas

Judge's signature

B. Janice Ellington

United States Magistrate Judge

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

STATE OF TEXAS

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AFFIDAVIT

V: 18mj 42 LG.

COUNTY OF VICTORIA

I, Jason Plemons, being first duly sworn, hereby depose and state as follows:

EXPERIENCE OF AFFIANT

1. I am a Special Agent (SA) with the U.S. Department of State, Diplomatic Security Service (DSS), currently assigned to the Houston Field Office, Houston, Texas. My duties include conducting criminal investigations involving violations relating to the issuance and use of United States passports. I have received training in investigations and evidence collection, including collection and preservation of electronic evidence, at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. Prior to being employed by DSS, I was a federal investigator with the Office of Personnel Management (OPM) for over three and half years, and before that a state trooper with the State of Arizona (AZ) for over three years.
2. During the course of this investigation, I have worked closely with other special agents, including Social Security Office of Inspector General Special Agent Antonio Puente who has extensive experience in the investigation of social security fraud and misuse of social security numbers related to crimes.

3. The information in this affidavit is based upon my own knowledge, records furnished to me in my official capacity and information provided by other law enforcement officials. This affidavit does not contain every material fact that I have learned during the course of this investigation, and is intended to show only that there is sufficient probable cause for the requested warrant.
4. Based on my training and experience and the facts as set forth in this affidavit, I believe there is probable cause to believe that violations of Title 18, United States Code, Sections 1028A (Aggravated Identity Theft), 1542 (False Statements in Application and Use of a Passport), and Title 42, United States Code, Section 408(A)(7)(B) (Misuse of a Social Security Number) have been committed.

PROBABLE CAUSE

5. On May 16, 2017, an unknown individual, herein referred to as "John Doe", knowingly and willfully executed a DS-82 U.S. Passport Renewal Application for Eligible Individuals (hereafter referred to as DS-82) #283360695, affixing a photo with his likeness to the application. A DS-82 is an official U.S. Department of State form required to be completed and submitted by applicants who request a renewal of a U.S. passport, and can be submitted by mail. "John Doe" signed and submitted the aforementioned DS-82 form using the unique identifying information of "Beto Mendoza" a California-born American citizen who is documented to have died as an infant. Through fraud and providing false information, "John Doe" intended to induce the issuance of a passport to himself under the authority of the United States Government. This was done in violation of Title 18 United States Code, Section 1542,

which states, "Whoever willfully and knowingly makes any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws; or Whoever willfully and knowingly uses or attempts to use, or furnishes to another for use any passport the issue of which was secured in any way by reason of any false statement - Shall be fined under this title, imprisoned not more than ... 10 years (in the case of the first or second such offense...) or both."

6. Your Affiant has probable cause to believe that "John Doe," in an attempt to deceive the passport issuing agency as to his real identity, falsely used Social Security Number (SSN) XXX-XX-6812 in his DS-82 application executed on or about May 16, 2017, when in fact the SSN was issued to the identity of "Beto Mendoza." This was in violation of 42 United States Code 408(A)(7)(B) (Misuse of a Social Security Number), which states, "Whoever -- for the purpose of obtaining (for himself or any other person) any payment or any other benefit to which he (or such other person) is not entitled, or for the purpose of obtaining anything of value from any person, or for any other purpose with intent to deceive, falsely represents a number to be the social security account number assigned by the Commissioner of Social Security to him or to another person, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to him or to such other person. . . shall be guilty of a felony and upon conviction thereof shall be fined under title 18 or imprisoned for not more than five years, or both."

INVESTIGATION

During the course of this investigation, your Affiant learned the following:

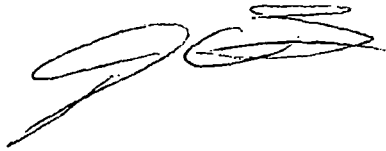
7. Your Affiant believes that on May 16, 2017, "John DOE" sent a passport application (Form DS-82 #283360695) to a U.S. passport processing center and provided a Mailing Address, for return of a new passport, as [REDACTED] Victoria, Texas 77904, which is in the Southern District of Texas. In the passport application form (DS-82 #283360695), the applicant listed his previously issued U.S. Passport (#017388215), that was issued in 2004 in the name of "Beto MENDOZA". During the processing of the application it was found by a fraud prevention manager that the biographical information of the applicant matched the biographical information of a deceased identity. As a result, the case was forwarded to DSS and assigned to your affiant for further investigation.
8. To initiate the passport renewal process, the applicant is required to read the oath, and sign the DS-82. The oath reads, "I declare under penalty of perjury all of the following: 1) I am a citizen or non-citizen national of the United States and have not, since acquiring U.S. citizenship or nationality, performed any of the acts listed under "Acts or Conditions" on the reverse side of this application (unless explanatory statement is attached); 2) the statements made on the application are true and correct; 3) I have not knowingly and willfully made false statements or included false documents in support of this application; 4) the photograph attached to this application is a genuine, current photograph of me; and 5) I have read and understood the warning on page two of the instructions to the application form."
9. Your Affiant learned that on November 22, 2017, "John Doe" submitted a second passport application (Form DS-82 #283360695), under penalty of perjury that the

information contained on the form was true and correct, to a U.S. Department of State employee located at the Houston Passport Agency in Houston, Texas. During this encounter, "John DOE" provided copies of a Chase Bank debit card, a U.S. Department of Justice inmate card, a Social Security card, a U.S. Passport (#017388215), and a state of Virginia identification card that all in the name of "Beto Mendoza".

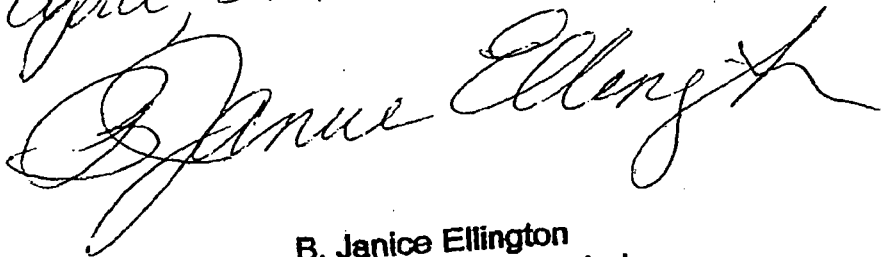
10. On February 15, 2018, the Social Security Administration confirmed that social security number XXX-XX-6812 was issued for the first time on February 8, 2005 to an individual named "Beto Mendoza". In 2009, a second social security card was issued to "John DOE" in the name of "Beto Mendoza", while he was incarcerated at the Federal Correctional Institution Loretto.
11. On February 15, 2018, the Social Security Administration Office of Inspector General obtained a utility bill from Waste Management, a Texas Residency Affidavit, and a JC Penny credit card statement that reflects the name "Beto Mendoza" with the address of [REDACTED] in Victoria, Texas.
12. On February 26, 2018, DSS Special Agent Nick Braden and I conducted surveillance of the PREMISES located at [REDACTED] in Victoria, Texas and observed three vehicles in the driveway: a GMC Sierra 1500 pickup with Texas license JRL-6149, a Ford Mustang with Texas license HXD-8503, and a Dodge Ram 1500 with Texas license HTV-2521. A March 2, 2018 query indicated the GMC and Dodge were owned by Refugia Madera and the Mustang is owned by Carlos Casteneda who is Madera's son.

13. On February 26-28, 2018, DSS Special Agent Braden and I conducted surveillance of PREMISES at [REDACTED] in Victoria, Texas and observed "John Doe" (identified from the passport photograph submitted as "Beto Mendoza") leave from inside the residence in the morning and return to enter the residence early in the evening between 1715 and 1800.
14. During the surveillance, "John Doe" was observed to by Special Agent Braden and I to depart the residence in the GMC Sierra 1500 pickup with Texas license JRL-6149 and travel to a business known as "Superior Carports" which is located at [REDACTED] [REDACTED] Victoria, TX.
15. On March 3, 2018, I researched public records of Victoria County, Texas records and found the PREMISES of [REDACTED] in Victoria, Texas to be owned by an individual named "Refugia Madera". The investigation revealed that Refugia Madera is John Doe's girlfriend.
16. On March 3, 2018, I conducted a search of a Texas driver license database and learned a driver's license (#42690102), with image date of September 18, 2017, was issued in the name of "Beto Mendoza" with an address of [REDACTED], Victoria, Texas. I observed the individual pictured in this driver's license appeared to match that of "John Doe", who submitted the fraudulent passport application (Form DS-82).
17. Records obtained from the California Department of Public Health confirm that "Beto Mendoza" was born on [REDACTED] in Salinas California, but the records also confirm that he died on [REDACTED]. The presence of this record was confirmed by a Diplomatic Security Investigative Specialist Emmett Koehler at the San Francisco, California Field Office who contacted the California Department of Public Health

Vital Records Division. In confirmation of this information, I also obtained the certified birth and death certificates for "Beto Mendoza" from the California Department of Public Health Vital Records division.



Sworn to before me this
11th day of April, 2018



B. Janice Ellington
United States Magistrate Judge